

Subchapter 7. Employment of Annuitants

7-1. ELIGIBILITY FOR EMPLOYMENT

Section 18(a) of the Civil Service Retirement Act, as amended, provides that an annuitant under the act is not, because of his retired status, barred from employment in any position for which he is qualified. A person retired under another retirement law may be reemployed only as provided by the particular act under which he retired.

7-2. EFFECT OF EMPLOYMENT ON RETIREMENT RIGHTS AND STATUS

All agencies are urged, prior to appointing any person with prior Government service, to find out whether he is receiving or has applied for an annuity from the Government. Questions on this are included on Standard Forms 57 and 60. Employment of an annuitant under the Civil Service Retirement Act will require either termination or suspension of annuity or deduction of annuity from salary payments, depending on the type of separation on which his retirement was based and other factors. It is essential, therefore, that notices to the Civil Service Commission when required upon appointment and separation of an annuitant under the act be furnished promptly and without exception. The form and content of such notices are given in both Supplements 296-31 and 831-1.

7-3. APPOINTING AUTHORITY AND TENURE OF EMPLOYMENT

a. Appointing authority. No special appointing authority is used to employ an annuitant. Instead, appointments are made in accordance with the provisions of the chapter of the manual which relate to the particular type of appointment action being taken (e.g., reinstatement). Annuitants appointed to com-

petitive positions must meet the Commission's regular requirements and standards.

b. Tenure. The tenure of a reemployed annuitant is determined in the same manner as for other employees. However, section 13(a) of the Civil Service Retirement Act provides that an annuitant under the act serves at the will of the appointing officer. Thus, a reemployed annuitant may be separated at any time at the discretion of the appointing officer, regardless of type of appointment.

7-4. IMMEDIATE REEMPLOYMENT AFTER AGE RETIREMENT

Any person entering on duty in a continuing position after his 70th birthday must be given a temporary limited, renewable, appointment in lieu of whatever type of appointment would be available if the appointee were under 70. This restriction does not apply, however, to a person already in the Federal service who is appointed without a break in service of 1 workday (unless he was first appointed after his 70th birthday). Where an employee is to be separated for age retirement under the Retirement Act, and the agency contemplates reemploying him without a break in service, it should follow the procedure outlined in Supplement 831-1 for advance submission of his application for retirement.

7-5. SPECIAL REQUIREMENTS FOR DISABILITY ANNUITANTS

a. Policy on reemployment after recovery. In the interest of good personnel management, and of equity to the individual, the former employing agency should make every effort to take back a former employee who was retired for disability, and whose annuity has been, or within 1 year will be, discontinued because of

his recovery. The reinstatement of such a person having a competitive civil service status should be made even if it is necessary to make way for him by separating a temporary employee.

b. **Reemployment eligibility.** (1) A disability annuitant under age 60 may be reemployed other than by a temporary appointment of less than 1 year's duration only if the Commission has found him either recovered or restored to an earning capacity.

(2) Any disability annuitant may be reemployed under a temporary appointment of less than 1 year's duration without prior medical approval of the Commission.

(3) A disability annuitant age 60 or over may be reemployed in any position for which he is qualified without prior medical approval of the Commission.

c. **Evidence of recovery.** The Commission's notice to the annuitant on Form RET 46-10 is sufficient evidence of his recovery. Unless such notice is presented, the agency should, by letter, request the Commission to determine

whether the annuitant has recovered. The letter should include a statement of the appointing officer's opinion as to whether the annuitant is physically qualified to perform the duties of the position for which he is being considered. It may be accompanied by a report of medical examination of the annuitant if examination can be secured from a Federal medical facility or activity without incurring any expense chargeable to the annuitant or to the Commission.

d. **Evidence of restoration to earning capacity.** The Commission's notice to the annuitant that he has been restored to an earning capacity is sufficient evidence of his reemployment eligibility. Such notice, however, should not be accepted as evidence that the annuitant is physically qualified to perform the duties of the position for which he is being considered. Before reemploying him the agency should determine whether he is physically qualified for the position in the same manner as for any other person being considered for an appointment.